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Letter dated 10 June 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the communiqué of the extraordinary session of the Council of Ministers of the Democratic Republic of the Congo, held on 4 June 2004, under the distinguished chairmanship of His Excellency Major-General Joseph Kabila, President of the Republic and Head of State (see annex).

Furthermore, my Government wishes to confirm that, on 9 June 2004, the Congolese Armed Forces regained control of the town of Bukavu peacefully and without bloodshed. My Government would like to take this opportunity to assure you that it will be replying to the Security Council's appeal for the prompt and peaceful extension of State authority throughout the Congolese territory, in particular in Bukavu (S/PRST/2004/19). In this connection, my Government expresses its gratitude to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and to the eminent African and Western personalities for their efforts to find a solution to this crisis in Bukavu — for which Rwanda bears entire responsibility — aimed precisely at restoring a measure of normality to the capital of South Kivu.

My Government also wishes to bring squarely to the attention of the Security Council the content of the letter dated 3 June 2004 from the Permanent Representative of the Rwandese Republic (S/2004/452), transmitting a press release apparently issued by his Government which, inter alia, "calls upon the international community to urgently come to the assistance of the refugees present on Rwanda's territory as a result of the fighting in Bukavu", and another dated 7 June 2004 from the Permanent Representative (S/2004/459), transmitting a communiqué by the Ministry of Foreign Affairs and Cooperation of the Rwandese Republic concerning the unilateral and arbitrary closure of the common border between the Democratic Republic of the Congo and the Rwandese Republic.

With regard to the foregoing:

1. My Government reiterates its accusation of renewed aggression by Rwanda, in flagrant violation of the Charter of the United Nations and the relevant provisions of all the Security Council resolutions on the situation in the Democratic Republic of the Congo. In this connection, my Government wishes to point out to the international community that, since 1996, the Government of the Rwandese Republic has had the

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unfortunate and unique privilege of being the only one in the world that does not know where its own regular troops are operating;

2. My Government strongly reaffirms that it has no hidden agenda in Rwanda. The inherent right of individual or collective self-defence if an armed attack occurs is enshrined in Article 51 of the Charter of the United Nations. The Government of Rwanda should get used to the idea that, despite the scale and diversity of the Congolese national territory, and despite the treachery of some prominent compatriots, Congolese solidarity, nurtured by a national feeling of patriotism and by shared values, is unfailing. Let it be affirmed, in speech and in writing, that Rwanda's dream and fantasy of annexing Grand-Kivu will never materialize. The protest movements throughout Congolese territory against the takeover of Bukavu by the insurgents supported by the Rwandan Army and the outpouring of joy when the loyalist troops returned to Bukavu should remind Rwanda that the importance of national unity to the Congolese people is not a frivolous platitude but rather an immutable reality which, sooner or later, Kigali will have to face;

3. My Government calls on the international community not to be fooled by Rwandan manipulation. On the one hand, there is the victim of aggression, namely, the Democratic Republic of the Congo, and, on the other hand, there are the aggressors, the most blatant of which continues to be the Rwandese Republic, whose Government is shamelessly labouring under the illusion that it is being persecuted;

4. As for the unilateral and arbitrary closure of the common border, my Government requests the Security Council to ensure that it is lifted by the Government of the Rwandese Republic, if only temporarily, for the following reasons:

   (a) To facilitate, with the assistance of the Office of the United Nations High Commissioner for Refugees (UNHCR), the return, in complete security, of all Congolese nationals who have fled the fighting in Bukavu instigated by Rwanda;

   (b) To ensure that Rwanda returns former Colonel Jules Mutebusi and his military traitors from the former rebel movement Congolese Rally for Democracy (RCD/Goma), today a part of the Government of National Unity and Transition — who found refuge in Rwanda and sufficiently demonstrated to the world their capacity to cause harm and impede the current peace process — so that they may be held accountable for their acts under the Congolese justice system; and

   (c) To ensure the return to Rwanda of the armed Rwandan elements remaining in the territory of the Democratic Republic of the Congo;

5. My Government requests the Security Council to take note of paragraph 8 of the annex to document S/2004/459, in which the Government of the Rwandese Republic threatens regional peace and security, and, accordingly, to take such preventive measures against Rwanda as are

consistent with its authority under the Charter of the United Nations in order to dissuade it.

My Government deplores the fact that, while all successive Governments of Rwanda since 1994 had no difficulty in recognizing the reality of Rwandan genocide, even if it was entirely the making of the Rwandans without any outside assistance, that of President Paul Kagame has never expressed the slightest regret, let alone the slightest remorse, for the 4 million Congolese who died as a result of his attack of 2 August 1998. Surely, the senior leaders of the current Government in Rwanda (and not the people of Rwanda, who are our brothers and friends) must know that, sooner or later, they will be facing the thorny issue of justice and reparation for the Congolese people.

Lastly, my Government wishes to remind the Security Council of the special case of former General Laurent Mihigo Nkunda. Far be it from us to even think of dwelling on his admission that he was mistaken about what was happening in Bukavu and that there had been no pogrom; nonetheless, this military traitor must be brought to justice for his avowed involvement in the Kisangani massacres of May 2002 as well as all those deaths in Bukavu as a result of his "error". Any compromise of principle would be regrettable and prejudicial to both national and international justice.

My Government would be grateful if you would have this letter, together with its annex, circulated as a document of the Security Council.

(*Signed*) Ileka **Atoki**
Ambassador
Permanent Representative

Annex to the letter dated 10 June 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Democratic Republic of the Congo

Ministry of the Press and Information

Report of the extraordinary meeting of the Council of Ministers held on Friday, 4 June 2004, at the Cité de L'Union Africaine in Kinshasa

Under the distinguished chairmanship of His Excellency Major-General Joseph Kabila, President of the Republic and Head of State, the Government of Transition held its 34th meeting on Friday, 4 June 2004, at the Palais de la Nation in Kinshasa.

The agenda included a single item, namely, the security situation of the country, especially the occupation of the town of Bukavu by Rwandan troops.

After hearing the report of the Minister of the Interior, Decentralization and Security on the subject, together with additional information from the Minister for Foreign Affairs and International Cooperation, and following deliberations and debates, the Council of Ministers took the following steps:

1. The Government reiterates the position it took following the extraordinary meeting of the Council on Wednesday, 2 June 2004, condemning in the strongest terms the violation of the territorial integrity and sovereignty of the Democratic Republic of the Congo by Rwanda in defiance of the relevant provisions of the Charter of the United Nations and resolutions of the African Union;

2. The Government holds the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), which has troops on the ground, responsible for protecting the population of Bukavu and for putting an end to all acts of mass violation of human rights, selective killing, rape and pillage;

3. MONUC is also responsible for ensuring that Nkunda, Mutebusi and all other insurgent elements are disarmed;

4. MONUC must also oversee the withdrawal of Rwandan army troops from the Democratic Republic of the Congo;

5. The Government thanks the international community and the Congolese people for their assistance and support. The Government will take all necessary steps to restore the legality and authority of the State in the town of Bukavu, in particular by putting in place the regular army of the 10th Military Region, and with the help of the National Police, the Judiciary and other State services and the effective installation of the recently appointed Governor and Vice-Governors;

6. The Government will speed up the army's participation in reorganizing the regular troops so as to face the many challenges involved in protecting the territorial integrity, national sovereignty, territorial reunification and restoration of State authority over the whole country in order to permit the organization of free, democratic and transparent elections within the time specified in the Comprehensive and Inclusive Agreement;

7. The Minister of Human Rights has been instructed to inform the bodies of the United Nations system about the massive violations of human rights in the town of Bukavu by insurgents and elements of the Rwandan army;

8. Once again, the Government deplores the loss of human lives and material destruction, and calls on the population to remain calm and to respect law and order and the laws of the Democratic Republic of the Congo.

Thank you.

Kinshasa, 4 June 2004

Vital **Kamerhe**
Minister of the Press and Information